

REMARKS

Applicants respectfully traverse and request reconsideration.

Claims 11, 13-14, 17, 19, and 22-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Soliman in view of U.S. Publication No. 2004/0198280 A1 (Pan et al.). This is a new ground of rejection. As to claim 11, the office action alleges that Soliman teaches a plurality of finger receivers each operative to receive at least one of an active pilot signal and a candidate pilot signal and generate corresponding long term filtered measurement data (citing paragraph 53) and that Soliman allegedly teaches in addition, a scan search receiver that receives at least one of the active pilot signal and candidate pilot signal and in response, generates corresponding short term filtered measurement data (citing paragraph 57). Applicants respectfully note that the office action does not cite to any structure in Soliman identifying which structure in Soliman corresponds to the claimed finger receivers or the claimed scan search receiver and Applicants cannot find any teaching of such structure and operation as claimed. In fact, the cited paragraphs, namely paragraphs 53 and 57 are silent as to any finger receivers that generate corresponding long term filtered measurement data or scan search receiver that generates short term filtered measurement data. The cited portions simply state, for example, that a candidate set of pilots are those that are not currently in the active set and that a search window size for an active set and candidate set may be set by a base station. As such, the cited portions do not teach what is alleged and Soliman does not teach what is claimed. Accordingly, the claim is in condition for allowance for this reason alone. Also, Soliman teaches a single receiver 254 – not what is claimed.

In addition, or alternatively, Applicants respectfully submit that Pan also does not teach what is alleged. It is admitted that Soliman fails to teach, among other things, “a pilot signal strength measurement message including long term filtered measurement data or short term

measurement data based on pilot signal strength and pilot strength measurement message including long term or short term filtered measurement data based on a number of pilot signals in the active set and candidate set.” The Pan reference is directed to an apparatus and associated method for facilitating dynamic filtering of a received signal wherein a single filter element is controlled to exhibit a fast response time when a signal strength is strong and the same filter element is controlled to provide a slow response time when the signal is a weak signal. An adaptive parameter adjustment unit is used to change the parameter of the single filter, namely the filter characteristics (see paragraph 40). As such, Pan also teaches the use of a single receiver that is controlled to receive a signal that has a strong signal strength with a fast response but if the signal is a weak signal, a slower response is used. The response time of the single filter of Pan is controlled to be “directly proportional to the estimate quality [signal quality]” (paragraph 44). However, claim 11 requires not only the use of different receivers, each of which generate a long term filtered measurement data or a short term filtered measurement data, but that the claimed pilot strength measurement message includes a long term filtered measurement data from the respective plurality of finger receivers if the strongest pilot signal represented by long term filtered measurement is less than the first threshold and greater than a second threshold and if at least one of a number of candidate pilots is greater than 3 and the number of active pilots is greater than 1. Not only does Pan fail to teach or suggest using both long term or short term filtered measurement data using different receivers, but neither reference teaches utilizing a number of active pilots or a number of candidate pilots as part of the determination as to what is included in a pilot strength measurement message. Since Pan does not teach what is alleged and since neither reference teaches or suggests using a number of pilot signals, the claim is in condition for allowance for at least these reasons as well.

Claim 13 is allowable at least as depending upon an allowable base claim.

Claim 14 is directed to a method for producing a pilot strength measurement message that includes receiving both long term filtered measurement data corresponding to at least one of a plurality of pilot signals, and short term filtered measurement data corresponding to at least one of the plurality of pilot signals. It is admitted that Soliman does not teach long term filtered measurement data and short term filtered measurement data corresponding to at least one of the plurality of pilot signals nor producing a pilot strength measurement message that includes long term filtered measurement data or short term filtered measurement data based on the pilot signal strength nor producing the measurement message that includes long term filtered measurement data or short term filtered measurement data based on a number of pilot signals in an active and candidate set. Nor does it teach to produce the pilot strength measurement data based on short term filtered measurement data if a strongest pilot signal is represented by a corresponding long term filtered measurement data is less than a threshold. Pan is alleged to teach this subject matter.

However, Applicants respectfully submit that Pan does not teach what is alleged. Pan does not produce a pilot strength measurement message based on the determination as to whether a short term filtered measurement data is less than a threshold or receiving an active set of pilot signals and candidate set of pilot signals and producing a pilot strength measurement message that includes the short term filtered measurement data based on a number of pilot signals in a received or candidate set. As noted above, Pan teaches a single receiver that is controlled to produce, even for argument sake, either long term or short term measurement data, but not both nor is a number of pilot signals in the active set or candidate set used to produce a pilot strength measurement message that includes the short term filtered measurement data. The cited portions of Pan, namely paragraphs 38-39 are silent as to such operations and do not teach using a number of pilot signals for any purpose. To the contrary, the cited portions actually refer to trying to

provide a correct estimate of the signal strengths of pilot signals. Accordingly, this claim is also in condition for allowance.

As to claim 17, Applicants respectfully reassert the relevant remarks made above and as such, this claim is also in condition for allowance.

As to claim 22, it is alleged that Pan teaches a filter element that uses short term measurement data. However, the claim requires that the pilot strength measurement message generator receives the short term filtered measurement data and that the pilot strength measurement generator is also coupled to a plurality of finger receivers and to the scan search receiver (see claim 1) that produces the pilot strength measurement message that may also include the long term filtering measurement based on certain criteria. As required in claim 22, short term filtered measurement data is provided in the pilot strength measurement message if a strongest pilot signal represented by corresponding long term filtered measurement data is less than a threshold. Since Pan only operates its filter in one of two modes, either to operate in a fast response time mode it will not provide short term filtered measurement data since it operates in one of two modes. Accordingly, this claim is also in condition for allowance.

As to claim 23, Applicants respectfully reassert the relevant remarks made above with respect to the Soliman and Pan references and again respectfully note that the cited portion of Pan, namely paragraphs 39-40 specifically indicate that the filter element uses either a long term measurement or a short term measurement but not both and as such, cannot provide both long term filtered measurement data and short term filtered measurement data as required in the claim. Moreover as noted above, the number of pilot signals in an active set or candidate set are not used to determine whether to include long term filtered measurement data or short term filtered measurement data as part of the pilot strength measurement message. Both references

are silent as to such operation and there is no need for such an operation. Accordingly, Applicants respectfully submit that this claim is also in condition for allowance.

The dependent claims add additional novel and non-obvious subject matter.

As to claim 26, Applicants respectfully reassert the relevant remarks made above with respect to the Soliman as the office action alleges that Soliman teaches a first receiver and a second receiver as elements 254 and 256 respectively. However, Applicants respectfully note that element 256 is not a receiver but to the contrary is a demodulator that is coupled to the single receiver 254 in Soliman. As such, the reference does not teach what is alleged and the claim is in condition for allowance for this reason alone.

Applicants also respectfully reassert the relevant remarks made above with respect to Soliman and Pan and as such, this claim is also in condition for allowance.

The dependent claims add additional novel and non-obvious subject matter.

Applicants respectfully submit that the claims are in condition for allowance and respectfully request that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

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